

IMPORTANT NOTICE TO PRISONER: RETURN THIS FORM TO THE  
CLERK'S OFFICE ALONG WITH YOUR COMPLAINT AND SIGN EITHER  
PART 1 OR PART 2

(Complete only one section of this Form)

Brian Douglas Anthony )

Plaintiff(s) )

vs. )

Case No. 1:20-CV-164

A.D.A Michael Burns )

A.D.A Justin Smith )

A.D.A. Grant Miller )

Honorable Marshall J. Piccinini, Judge

Attorney Michael Harmon, Esq.

Commonwealth Of Pennsylvania (State)

City Of Erie Pennsylvania

Defendants)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Brian Douglas Anthony

1618 Ash Street

Erie, PA 16503

VS.

A.D.A. Michael Burns

Erie County, PA (District Attorneys Office)

140 West 6th Street

Erie, PA 16501

A.D.A. Justin Smith

Erie County, PA (District Attorneys Office)

140 West 6th Street

Erie, PA 16501

A.D.A. Grant Miller

Erie County, PA (District Attorneys Office)

140 West 6th Street

Erie, PA 16501

Honorable Marshall J. Piccinini, Judge

Erie County Courthouse

140 West 6th Street

Erie, PA 16501

Attorney Michael Harmon, Esq. (Shapira, Hutzelman & Smith)

305 West 6th Street

Erie, PA 16507

Commonwealth Of Pennsylvania (State)

City of Erie, Pennsylvania

626 State Street

Erie, PA 16501

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Name and address of Plaintiff:

Brian Douglas Anthony  
1618 Ash Street  
Erie, PA 16503

v.

Full name, title, and business address  
of each defendant in this action:

1 Kelly Renee Harper  
1024 Polk Street Apt. 2  
Erie, PA 16503

Erie County, PA District Attorneys Office  
2 A.D.A. Michael Burns  
140 West 6th Street  
Erie, PA 16501

Use additional sheets, if necessary

Number each defendant.

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

- I. Where are you now confined? Erie County Prison [Erie, PA]  
What sentence are you serving? Indirect Criminal Contempts [Icc]  
What court imposed the sentence? Erie County Court Of Common Pleas  
[Erie, PA]
- II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) and docket number

3. Name of judge to whom case was assigned \_\_\_\_\_
4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)  
\_\_\_\_\_  
\_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Approximate date of disposition \_\_\_\_\_

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? \_\_\_\_\_  
When? \_\_\_\_\_  
Result: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. What federal law do you claim was violated? \_\_\_\_\_  
\_\_\_\_\_

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: July 1, 2018 through July 31, 2020
- B. Place of event: City of Erie, Pennsylvania  
Commonwealth of Pennsylvania
- C. Persons involved--name each person and tell what that person did to you: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

III. What federal law do you claim was violated?

A. Amendment (4) - Search & Seizure

B. Amendment (5) - Due Process

C. Amendment (6) - Speedy Trial / Ineffective Counsel

D. Amendment (8) - Cruel and unusual punishment

E. Amendment (14) - Due Process & Equal Protection of laws

F. 18 U.S.C. § 1701, 1702, 1703, 1705, 1708 [Mail Fraud]

G. 18 U.S.C. § 1349 [Attempt and Conspiracy], 18 U.S.C. § 1342 § 371

H. § Deprivation of Rights, Privileges, Secured or protected by the Constitution or laws of the U.S.

I. Threaten or intimidate any person in any State in the free exercise or enjoyment of any right or privilege secured him by the U.S. Constitution or by the laws of the U.S. or because of his having so exercised the same.

J. Aggravated Assault with a deadly weapon

K. Possession Instrument of Crime with intent

L. Invasion of Privacy

M. Violation of Hippa Laws

N. Malicious prosecutions

O. Violations of Canon 2A, 3(A)(5), 3 C (1)(a)

P. Conduct which prejudices the proper administration of justice violation Article V § 18 (d)(1) of the PA Constitution

Q. Other violations of PA Constitution

R. False Imprisonment / Unlawful Restraint

S. Failure to train adequately District Attorneys to not violate citizens rights and victims rights

~~T. Threats to Justice Threats~~

#### IV. Statement of Claim

C. Persons involved-- name each person and tell what that person did to you: Kelly Renee Harper

1. In July 2018, Kelly stabbed me in the back under each shoulder blade causing bodily injury, and substantial emotional distress. [with a Knife]

2. AT The end of July 2018 and beginning of August 2018, Kelly was drinking alcohol and stabbed me in the left side of my head with a Pen in which punctured the skin. As a result of this incident, Kelly was arrested and later I dropped the charges.

3. In November 2018, Kelly once woke me up hitting me and trying to force me to have sex.

4. In December 2018, Kelly hit me, slapped me, punched me, and blocked me from leaving the bathroom which is unlawful Restraint.

5. In January 2019, Kelly slapped me across my face and pushed me because I turned the heater up in the apartment. Private Complaint filed. I later dropped it. [?-October 2019]

6. May 2019, Kelly locked me out of apartment depriving me of sleep and throw my stuff out. On Cherry Street, Erie, PA.

7. In July 2019, Kelly pushed me over a chair and when I was down kicked me in the ribs, which left a bruise on me. Kelly pulled my shirt, ripping it off of me, scratched my face, and punched me at apartment on Cherry Street, Erie, PA.

8. In August 2019, Kelly stabbed me, with a deadly and dangerous weapon a (knife), in my left shoulder causing me to have to go to Hamot Tumor Center. As a result of this, I received 3 staples, X-rays, cat scan, lung was slightly punctured making it hard to breathe, and lost work. Kelly is charged with Aggravated Assault (Fa); Possession Instrument of Crime with intent (m1); and Disorderly Conduct (m3). Kelly also threatened to Kill me. (911 call).

9. During our relationship Kelly has called me names (Ex. fag, faggot, P.O.S. (Piece of shit), whore, bitch, fudgepacker). Kelly would also down grade me telling me I am worthless and that I should kill myself or hang myself like my brother.

10. In November 2019, Kelly grabbed knives chased me and would waive them around threatening me to get me to do what she wanted me to do.

11. Kelly personally and intentionally inflicted serious great bodily injury on me when she stabbed me.



12. In November 2019 (30th), Kelly broke a picture frame over my shoulder she stabbed me in and struck me several times (3x) with a broom once in the head. Also, during this weekend Kelly smashed a Flat screen T.V. and mirror and called a BCM on call at Stairways.

13. Kelly would constantly tell me I do not love her and to go F--- Stacey and F--- Rhonda.

14. Kelly has destroyed my cell phones. Kelly threw one in the toilet and stabbed one with a Knife.

15. December 2, 2019, Kelly told me to meet her at stairways after going to see my P.O. and giving Plasma then later lied on a PFA saying "I follow her."

16. Kelly has caused humiliation and embarrassment by lying on a PFA and saying I "forced her to have sex on pillows because I am short."

17. Kelly blithely executed a petition from abuse inflating claims of abuse leveling exaggerated or specious allegations on December 6, 2019.

18. Kelly has pushed my head into the wall breaking the plaster board. [November 2019]

19. Kelly use verbal aggression (swearing or name calling) toward me calling me an F----- asshole
20. Kelly has caused me severe mental distress arising out of incidents along with physical injury (stabblings, ect) or manifestation of injury
21. Kelly would leave for periods of time causing feelings of loneliness and abandonment.
22. Kelly has made me feel shame, hopeless, anger, resentment, and dislike for repeated hysterical attacks and emotional feelings in describing the abuse.
23. Kelly intentionally and deliberately stabbed me with disregard of my rights or safety. Voluntarily with extreme recklessness conduct without legal justification, causing me emotional re-experience of Trauma, nightmares, flashbacks, night sweats, crying spells, easily teared-eyed, feeling of inadequacy and other forms of Post Traumatic Stress Disorder (PTSD).
24. Kelly told me I was her favorite then that she loved me, afterwards belittle me, down-grade me, calling me names, causing damage by insults, defamation, and seduction.

25. Kelly would always tell me if I would be quiet everything would be alright. I have persistent negative beliefs about myself and the world, Distorted cognition about cause and consequences of events that lead me to blame myself or others. "IF I would have just been quiet and not run my mouth none of this would have happened."

26. Kelly has caused me feeling stressed, irritable and down, frustrated mood, increased emotional distress, fits of anger, anxiety, depression, caused fright and shock by physical injuries suffered during incidences sustained by Kelly.

27. Kelly has exposed me to actual and threats of serious bodily injury.

28. Abuse received at the hands of Kelly has caused a very significant proportion of my current psychological difficulties.

29. During our relationship Kelly has made several false reports against me to the Police. [Ex. Burglary and beating up William Bacon] [PFA VIOLATIONS AND NOT SHOWING UP]

30. Kelly has broke my glasses that I had for a collection item of Washington Redskins.

31. Kelly has also broken my corrective eye-glasses and I never got another pair since 2018.

32. Kelly has stolen my mail, defaced my mail, opened my mail, and took my mail out of the mailbox addressed to me obstructing passage before being delivered to whom it is addressed and taking it to the District Attorney and Judge in which they opened in court invading my privacy. Judge Marshall J. Piccinini had no probable cause to allow A.D.A. Michael Burns read through my mail without a federal warrant and following U.S. Postal Regulations. This all happened between Dec. 2019 and April 2020 [on January 15, 2020, February 12, 2020, and April 15, 2020]

33. I am deemed not to be the perpetrator:

A.D.A Michael Burns

1. On April 15, 2020, during an ICC [Indirect Criminal Contempt] hearing, held 19 days after being filed on March 27, 2020, and 15 days after arraignment on March 31, 2020, violated my due process rights, speedy trial rights, invasion of privacy rights, mail fraud [opening my mail addressed to me in court without my permission and/or warrant, did not follow Postal Regulations, Procedural defect that hearing shall be held within 10 days of arrest, illegal search & seizure, conspiracy to

commit mail fraud [reading contents inside seal envelopes addressed to me causing humiliation and embarrassment], deliberate indifference to the rights of me being a victim causing me temporary and permanent state of mental anguish, No consideration to be treated with fairness, Courtesy, sensitivity and with respect for my being a victim's dignity and privacy and violating my HIPAA Laws to my privacy to my mental health. District attorneys office needs to train their prosecutors not to violate victims rights and avoid violating citizen's Constitutional and civil rights. Illegally used a mail cover in order to pry into my privacy and open my envelopes.

2. Allowed a malicious prosecution when Kelly Harper testified that the mail was addressed to me and the conviction was based on me sending letters to myself at my Postal Address of Record and there was not contact to consider a violation for an ICC charge on April 15, 2020.

3. Kelly testified that she did not know what (KSH) meant on the envelopes at April 15, 2020 hearing.

4. Deprivation of rights by Burns secured by or protected by Constitution or laws of U.S.

## Attorney Michael Harmon, Esq.

1. On January 15, 2020, There was a hearing for a violation of a Protection Order for the temporary Order on December 12, 2019. This hearing was held 25 days after the filing of the charge proving a procedural defect and violating rule 6113(f) and rights to due process. Attorney Michael Harmon failed to preserve this issue on the record because I went there and he said there was no defenses and I can not write my own address of Postal Record with letters to myself. I went there because Kelly Harper was talking to me and said that I took her clothes when the sheriff served me and she was hungry for MC's Pizza to come give her the clothes or she will Kill herself. I was under duress because I have love and empathy for Kelly. My counsels actions arguing with me induced a guilty pleas this day and Feb. 18, 2020.

2. Michael Harmon failed to file any post sentence motions or appeals when requested to do so for the January 15, 2020, hearing and February 12, 2020, hearings. My attorney even failed to cross-examine the witness about anything when I told him to.

3. Michael Harmon did not protect my constitutional rights and read my mail when A.D.A. Burns opened it because Piccinini without obtaining a warrant wanted to pry into my business without



probable cause.

4. My attorney Michael Harmon proved ineffective, when he failed to challenge the complaints and affidavits that were facially defective and conclusory. No probable cause that a crime was committed by writing letters to myself. [Malicious Prosecutions].

A.D.A. Grant Miller

1. Miller violated my rights to due process and malicious prosecution.

Honorable Marshall J. Piccinini, Judge

1. Piccinini showed bias, partiality, prejudice, and ill-will towards me and failed to disqualify himself in proceedings in which his impartiality might reasonably be questioned, including but not limited to instances where he has a personal bias or prejudice concerning a party, on February 12, 2020 and April 15, 2020, and January 15, 2020.

2. Piccinini abused the courts discretion in addressing the original PFA in which no averments of abuse were admitted to by either party instead of dealing solely with the ICC charge on January 15, 2020 and trying to ask if the order needs extended. This is only triggered by Plaintiffs request.

3. Piccinini abused the courts discretion by considering extrinsic information or any evidence outside affidavit. Violating (Pa Crim. Proc. 203(b). No exception to permit 203(d) to rewrite affidavit. This is the kind of subjectivity the PA Supreme Courts has repeatedly and explicitly rejected.
4. Piccinini showed combative and irrational, uncomfortable atmosphere in courtroom and hostility toward me. when Kelly blew-up and said ["I have PTSD, he thinks he can get away with it (everything)?"] then I said ["I got PTSD, too. Flashback of her stabbing me."] The Judge ordered me angermanagement.
5. Piccinini never had any probable cause to state the mail was now evidence and instruct the DA to open my mail [sealed envelopes] without obtaining a warrant. No Jurisdiction.
6. Piccinini showed that he had a grudge against me and had no respect for my victim's rights either. He harbored an aversion he could not set aside.
7. Piccinini had no grounds to find me in contempt based on inferences on a mail cover. Based on suspicion or conjecture, when two



equally reasonable and mutually inconsistent inferences can be drawn from the same set of circumstances the fact-finder or jury is not permitted to guess which inference it will adopt, especially when one of the two guesses may result in depriving a defendant of his life or his liberty.

A.D.A. Justin Smith

1. On February 12, 2020, Justin Smith A.D.A. allowed Kelly to open mail in courthouse prior to having the ICC hearing. This hearing was also in violation of Due Process and malicious Prosecution. ICC For this hearing was filed on January 22, 2020 and was not held within the 10 business days (113(f)). The mail was addressed to me and Kelly stated the mail contained her email addresses in the parenthesis, but in fact the things written in the parenthesis was passwords to my bank and pins, and other things for my purposes not for her to open my mail with my own proper name on it sent to me. Kelly said mail was opened when she got to court.

2. Justin Smith conspired to commit mail fraud.  
Honorable Marshall J. Piccinini, Judge

1(a) Piccinini conspired to invade my privacy rights to pry into my business and Threatening me and intimidate me telling me I can't have free exercise or enjoyment of my mail and right to honest services.

2(a) Piccinini actions violated Article V § 18(d)(1) of the PA Constitution prejudicing the proper administration of justice.

3(a) Violation of Hippra Laws by Piccinini and Justin Smith, Michael Burns, Michael Harmon.

4(a) Judge Piccinini violated my rights to cross-examine the witness and when I stated my intent ~~was those~~ mailing were for me, he can't say my intent.  
Commonwealth Of Pennsylvania  
(STATE) (December 2019 - current)

1. Violation of rights to Due Process secured to me by the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution.

2. Denied equal Protection of laws by the 14<sup>th</sup> Amendment to the U.S. Constitution.

3. Denied rights to fair and speedy trial and effective assistance of counsel secured by the 6<sup>th</sup> Amendment to U.S. Constitution

4. Commonwealth of PA denied me my rights to privacy and Hippra Laws along with malicious Prosecutions and False imprisonment.

5. Commonwealth denied right to Article I, section 8 of the PA Constitution, Search & Seizure (4<sup>th</sup> AMENDMENT U.S. Constitution).

6. Commonwealth denied my right to compulsory process to obtain counsel before evicting me from my residence.
7. Commonwealth of PA committed [Mail Fraud and conspiracy] when illegally opening and admitting evidence at hearing of contents private in my mail.
8. Commonwealth invaded my privacy rights and has no Jurisdiction over the Postal Service.
9. Commonwealth of PA, District Attorneys [Miller, Justin Smith, Michael Burns] received stolen mail and came into possession of stolen mail, conspired with Kelly and Debbie Sardini [Kelly's Blended Case Manager (BCM)].
10. Commonwealth introduced facially defective complaints and affidavits not signed and which are conclusary.

### City Of Erie Pennsylvania

1. Failed to adequately train District Attorneys office [Public Officials] to not violate citizens rights and victims rights.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- V. Did the incident of which you complain occur in an institution or place of custody in this District?  
If so, where?

\_\_\_\_\_  
\_\_\_\_\_ and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?  
Yes ( ) No ( )

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?  
Yes ( ) No ( )

- C. If your answer is YES,

1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_

2. What was the result? \_\_\_\_\_  
\_\_\_\_\_

D. If your answer is NO, explain why not: \_\_\_\_\_  
\_\_\_\_\_

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?  
Yes ( ) No ( )

- F. If your answer is YES,

1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_

2. What was the result? \_\_\_\_\_  
\_\_\_\_\_

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

\_\_\_\_\_  
\_\_\_\_\_

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT.

## VI. Relief

I would like the court to order Kelly Renee Harper to pay money damages for the mail, Assaults, Pain and Suffering, and lost wages in the amount of \$250,000 or pay the amount of \$200.00 monthly (for next 50 years) plus drop the false protective order and pay for costs, and give me the cat (Smidge), and mental anguish stop.

I would like A.D.A Michael Burns to pay money damages in the amount of \$500,000 for Pain and Suffering causing severe emotional distress, violating my privacy rights, civil and constitutional rights and loss wages for the malicious prosecution and False imprisonment and opening mail.

I would like Honorable Judge Marshall J. Piccinini to vacate my dockets at 650-2019, 54-2020, 174-2020, and relieve me of all costs and fines plus pay me \$500,000 for Pain and Suffering causing severe emotional distress and mental anguish, violating my privacy rights, false imprisonment, malicious Prosecutions, and loss wages, civil and constitutional rights. Mail Fraud

I would like A.D.A. Miller to pay me \$50,000 for false imprisonment and violating my Due Process [malicious Prosecution].

I would like the court to order Justin Smith A.D.A. to pay me \$500,000 Pain and Suffering conspiring to open mail, invasion of Privacy, and

violating my Due Process rights and committing mail Fraud and causing emotional distress. False imprisonment.

I would like the court to order Michael Harmon to pay me \$500,000 for violating my privacy and reading my mail and inducing guilty pleas and not protecting my rights fully. Invasion of Privacy.

I would like the Commonwealth Of PA to pay me \$1,000,000 for malicious prosecutions and violating my civil and constitutional rights to equal protect of the laws and victims rights or drop all cases against me and vacate all cost, fines, and outstanding costs and fines and only pay me \$500,000 for mail Fraud and invasion of privacy and to remove all transcripts pertaining to dockets 650-2019, 54-2020, and 174-2020.

I would like the City of Erie to pay me in the amount of \$500,000 for not adequately training District Attorneys [Public officials] to not violate victims rights or privacy rights or civil and constitutional rights, including having employees in the county committing mail Fraud they hire.

I would like the courts to order all (each) defendants to pay atleast \$150,000 for violating my privacy rights, illegal searches and seizures, mail Fraud and conspiracy and all cases dismissed against me and costs for everything cleared for malicious prosecutions and violating victims rights.

I, Brian Douglas Anthony, believe that I am entitled to a trial by Jury to decide the facts set forth in the above complaint and to decide how much compensation I am entitled from each defendant in this case.



6-24-2020  
(Date)

Brian Douglas Anthony  
(Signature of Plaintiff)

\_\_\_\_\_